

Board of County Commissioners

Agenda Request

Date of Meeting: November 18, 2003
Date Submitted: November 12, 2003

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator
Gary W. Johnson, Director, Growth and Environmental Management

Subject: Request to Establish a Leon County Lot Mowing Ordinance

Statement of Issue:

This item seeks Board approval to establish code regulations and procedures to regulate vacant and neglected residential lots with overgrown weeds, grasses, shrubbery and other pollen-producing vegetation (Attachment #1).

Background:

At the December 9, 2002 annual Board Retreat, the Board requested that staff establish code regulations and procedures for the County to clear and mow poorly maintained vacant and neglected residential lots. Also, staff has received an increasing number of inquiries regarding the enforcement of overgrown properties in the unincorporated areas of the County.

Staff proposes that the excessive growth of weeds, grasses, shrubbery and other pollen-producing vegetation be prohibited in any lot, parcel of land or premises in the unincorporated areas of the County residential zoning districts identified as (R-1) Single-Family Detached Residential District, (R-2) Single-Family Detached Residential District, (R-3) Single- and Two-Family Residential District, (R-4) Single-, Two-Family and Multi-Family Residential District, (R-5) Manufactured Home and Single-Family Detached District, (RA) Residential Acre, (RP) Residential Preservation, (OR-1) Office Residential District, (OR-2) Office Residential District, and (OR-3) Office Residential District. Excessive growth of vegetation should mean growth exceeding 18 inches in height from ground level.

Analysis:

Staff performed benchmarking with like-sized comparative counties and neighboring cities to determine their existing mowing/lot clearing programs. The 7 like-sized comparative counties to Leon County are Alachua, Escambia, Gadsden, Manatee, Seminole, and Volusia counties and all have an existing mowing/lot clearing program, which uses a criteria based on height requirements, zoning districts, and lot size/acreage.

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The City of Tallahassee was used as a benchmark due to its proximity and the relationship to the County, as it relates to incorporated limits. Also, the City of Bartow and City of St. Augustine were used due to the availability of comparable information. Attached is a comparison of each city and county's mowing/lot clearing program and criteria. (Attachment #2)

The counties of Alachua, Escambia, Gadsden, Manatee, Seminole and Volusia have similar ordinances, which address the issues as it relates to clearing and mowing poorly maintained vacant and neglected residential lots. In all benchmarked counties, it is the duty of every property owner of any lot, tract, parcel of land or premises within the unincorporated area of the county to reasonably regulate and effectively control the excessive accumulation of weeds, rubbish, trash, construction and demolition debris upon the lot, tract, parcel of land or premises. Also, once it is determined by a code inspector that a public nuisance exists, the code enforcement office notifies the property owner in writing of the condition and requests that the owner remedy the condition within a specified amount of time. After proper notification, if no response has been received and the condition described in the notice has not been remedied, the code enforcement office may cause the condition to be remedied by the County at the expense of the property owner. The cleaning or clearing of the property will be performed by service contract through the bid process for the County. The property owner will be billed for services performed, which would include any administrative costs, and is required to pay within a specified time frame. If failure to pay within specified time frame, a lien will be placed on the property.

At the time of researching this agenda request, the City of Tallahassee had a lot clearing ordinance (Chapter 11: Article III, Division 2, Section 11:50-60), requiring the property owner to cut and keep cut to a height of not exceeding twelve (12) inches all weeds, grass or underbrush on any property owned, controlled or occupied in the City and also to remove any trash, debris, refuse, filth or other noxious matter located upon such property, and that upon failure to do so the costs will be assessed against the property.

The City of Tallahassee Lot Mowing Program required prompt identification and resolution of neglected overgrown or trashed properties that create eyesores to surrounding properties. Under this program the Neighborhood Preservation Division abated overgrown vacant properties throughout the city as well as attended to some abandoned houses that cause blighted conditions where overgrowth is out of control. The work was contracted out through the bid process and performed by the lowest bid vendor. The direct cost of the vendor's services, including a City administrative fee, was billed to the property owner(s) and a lien was placed on the property until the bill is paid in full or the property is sold and fines recovered. The City of Tallahassee published in general circulation newspapers within the city during the month of May in each year and once a week for two consecutive weeks, a notice advising property owners, agents, custodians and occupants what is required by law to clear property.

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The City of Bartow regulates any growth of weeds to a height of 18 inches or any rank vegetable growth which exhales unpleasant and noxious odors, or which may conceal filthy deposits, or harbor insects or any offensive matter or thing, or the accumulation of any undergrowth, debris, trash, rubbish or other sanitary accumulation which is likely to affect the health and safety of the community, is considered to be a nuisance. If the owner of any lot, lots or land within 10 days after mailing of notice, fails to cut and remove the growth of weeds or other insanitary accumulations, the City of Bartow will have such work performed and to charge and collect expenses, including all legal and clerical costs, from the owner. If the owner fails to pay charges constitutes a lien against the property from which the accumulations were removed.

Also, staff research determined that the City of St. Augustine prohibits the owner or tenant of any lot, parcel or tract of land within the city to permit weeds, grass or undergrowth to exceed twelve (12) inches or more from the ground. The owner is provided 15 days after service of notice to remedy the conditions and an estimate of the probable cost if they were to fail to comply is included. If the owner fails to remedy the condition within the specified time frame, the city will proceed to have property remedied by either contract, direct labor or by a combination of both methods. The chargeable cost to the owner does not exceed the amount of cost estimated for such work in the original notice.

Staff recommends that Leon County establish a Lot Mowing Ordinance that would establish code enforcement regulations to control excessive accumulation of weeds, grasses, shrubbery and other pollen-producing vegetation on vacant and neglected residential lots. The proposed Ordinance (Attachment #1) would prohibit excessive growth of weeds, grasses, shrubbery and other pollen-producing vegetation in any lot, parcel of land or premises in the unincorporated areas of the County residential zoning districts identified as (R-1 through R-5), (RA), (RP), (OR-1 through OR-3) where the height exceeds 18 inches from ground level. The property owner will be properly notified of the alleged noncompliance and provided a 14 day time frame to bring the premises into compliance. If the property owner fails to complete the recommended remedial action within the time frame allowed, the County will have the property remedied at the expense of the property owner. The cleaning or clearing of the property will be performed by service contract through the County bid process. The property owner will be billed for services performed, which would include any administrative costs, and will be required to pay within 15 days, after which a lien for unpaid expenses will be placed on the property.

Also, it is requested that this agenda item and proposed Ordinance be submitted to the Code Enforcement Board and the Growth and Environmental Management (GEM) Citizens User Group for input and comments. Since this proposed Ordinance is not a part of the Land Development Regulations (LDRs), no consistency review from the Planning Department is needed and only one Public Hearing is required.

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Options:

1. Approve the establishment of a Leon County Lot Mowing Ordinance with code regulations and procedures to regulate vacant and neglected residential lots with overgrown weeds, grasses, shrubbery and other pollen-producing vegetation.
2. Submit proposed code regulations to Code Enforcement Board and the GEM Citizens User Group for input and comments. After receipt of these comments, direct staff to schedule a public hearing on the proposed Lot Mowing Ordinance.
3. Do not establish code regulations and procedures to regulate vacant and neglected residential lots with overgrown weeds, grasses, shrubbery and other pollen-producing vegetation and do not schedule a public hearing.
4. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. Proposed Lot Mowing Ordinance
2. Comparison Chart of Mowing/Lot Clearing Programs

PA/GWJ/EDS/eds

Comparison of each city and county's mowing/lot clearing program and criteria

County	Height Requirements	Residential Zoning Districts	Lot Size/Acreage	Time Frame to Comply	Time Frame to Pay before Lien	Administrative Costs
Leon	18"	RA, RP, R-1 thru R-5, and OR-1 thru OR-3	None	14 days	15 days	To Be Determined
Alachua	N/A	N/A	N/A	30 days	30 days	Yes
Escambia	24"	R-1 thru R-6; C-1 and C-2	1 acre or more	20 days	30 days	Yes
Gadsden	Defined by Code Enf. Admin.	N/A	N/A	15 days	N/A	No
Manatee	N/A	N/A	Dwelling w/in 200 ft of complaint	15 days	1 year	Yes
Seminole	24"	N/A	N/A	15 days	30 days	Yes
Volusia	20"	R-1 thru R-9	N/A	21 days	30 days	Yes
City of Tallahassee	12"	N/A	N/A	None	None	Yes
City of Bartow	18"	N/A	N/A	10 days	None	Yes
City of St. Augustine	12"	N/A	N/A	15 days	None	Yes